

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

ALLYSON OESTERLE-KLEINE,)	
)	
)	
Plaintiff,)	
)	Cause No. 3:20-cv-1047
V.)	
)	
HORIZON BANK,)	
)	
Defendant.)	

COMPLAINT

Plaintiff Allyson Oesterle-Kleine, by counsel respectfully makes her Complaint for Damages and avers as follows:

Nature of Case

1. This lawsuit seeks redress from an employer that paid her less than similarly situated male employees.

Jurisdiction

2. Plaintiff brings this action pursuant to the Equal Pay Act, 29 U.S.C. § 206(d), to redress unequal pay on the basis of her gender. This Court has original subject matter jurisdiction of the federal questions presented pursuant to 28 U.S.C. § 1333 and § 1343.
3. Venue is proper in the South Bend Division because the Defendants reside in this division and the events complained of occurred in this division.
- 4.

Parties

5. Allyson Oesterle-Kleine (female) is an adult U.S. Citizen who resides in Lake County, Indiana.
6. Horizon Bank is a corporation doing business in the State of Indiana.

Facts

7. Allyson Oesterle-Kleine (“Kleine”) was employed by Horizon Bank (“Horizon”) from November 2010 until August 2019.
8. Kleine initially worked as a Senior Credit Analyst in Horizon’s Credit Department and in 2016 she was promoted to Credit Officer.
9. In the summer of 2017 the Credit Department was reorganized and as part of that process Kleine was promoted to Regional Credit Manager.
10. Kleine assumed the duties of a Regional Credit Manager in June 2017. But she did not receive any additional compensation.
11. At this time Horizon employed two other Regional Credit Managers: Mike Yovanoff (male) and Don Van Landegent (male).
12. Yovanoff and Van Landegent had the same duties and reported to the same superior as Kleine but received substantially higher compensation than Kleine.
13. Kleine’s superior was Senior Credit Officer Dan Carroll (“Carroll”).
14. Carroll recognized the disparity in pay between Kleine and her male counterparts Yovanoff and Van Landegent.

15. Carroll informed officials at Horizon's human resources department of the disparity and requested that Kleine be given a pay raise commensurate with her new duties that would raise her salary to a level comparable to her male co-workers.
16. When Kleine did not promptly receive the pay raise, Carroll made multiple inquiries over a period of months as to why Kleine's salary was not increased.
17. After his repeated inquiries, Cindy Pressinell, Horizon's Director of Human Resources, told Carroll that Kleine's pay raise had not been approved by CEO Craig Dwight (male), and until Dwight approved the increase, there was nothing she could do for Kleine.
18. Kleine transferred out of the Credit Department to another position at Horizon in January 2018, out of frustration at getting paid substantially less money than male co-workers.
19. Kleine resigned from Horizon in August 2019 due to Horizon's failure to pay or promote her comparably to male co-workers.

Legal Claim

20. Horizon willfully paid Kleine less than similarly situated male co-workers in violation of the Equal Pay Act.

Relief

21. Plaintiff seeks all relief allowable by law, including lost wages, liquidated damages, reinstatement, costs, and attorneys' fees.

Respectfully submitted,

/s/ Jeffrey S. McQuary, 16791-49
TOMPKINS LAW
608 E. Market Street
Indianapolis, IN 46202
317/631-6866
jmcquary@btlmlaw.com

Attorney for Plaintiff